IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.
ORIGINAL JURISDICTION

Dated: Nainital the 7th day of April 2004
Criminal Bail application No. 306/2004

CRIMINAL SIDE

1- Kundan Singh S/o Har Singh,
2- Himmat Singh S/o Chandra Singh
R/o village Natadol
Patwari Kshetra Motiya Pathar,
Tehsil and Distt. Almora .....Applicants.

Versus

State of Uttaranchal ..Opposite party.

Arising out of case crime No. 1/2003
U/S 302 I.P.C.
Patwari Kshetra Motiya Pathar
District Almora.

By the court

Hon'ble Irshad Hussain, J.

Heard Sri Rajendra Kotiyal learned counsel for the applicants and learned A.G.A. for the State.

The applicant-accused has been assigned specific role of assault which proved fatal for the victim-Girish Chandra Bhatt. Eyewitness-Ramesh Chandra has corroborated this fact in his statement also. Attention was drawn to the post-mortem report to show inconsistency about the time of the occurrence with reference to the stomach contents. The stomach contents cannot be a final criterion to judge the actual incident in which the deceased is killed. Considering this, it is not a fit case for bail. Rejected.

(Irshad Hussain, J.)

Dated: 17-4-2004
Rawat